

ESTTA Tracking number: **ESTTA397334**

Filing date: **03/10/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Mr. Theodore J Sabo		
Entity	Individual	Citizenship	UNITED STATES
Address	180 NE 39th Street Suite 207 Miami, FL 33137 UNITED STATES		

Correspondence information	Mr. Theodore J Sabo 180 NE 39th Street Suite 207 Miami, FL 33137 UNITED STATES tj@saboplus.com Phone:305 790-3207
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Applicant Information

Application No	77966484	Publication date	03/08/2011
Opposition Filing Date	03/10/2011	Opposition Period Ends	04/07/2011
Applicant	Johnson, Christopher 5199 Nebraska Rd Engelhard, NC 27824 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. All goods and services in the class are opposed, namely: Hats; Pants; Shirts; Shoes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	The applicant has fraudulently applied for this trademark, GADA - Go Anywhere Do Anything!, that was created by me and has been a common law mark in use for excess of 7 years. Not only did he do a search for our mark but we sent a specific letter on GADA stationary to the applicant stipulating that the mark was being used by us in the class he was applying for and that he was being given notice of his infringement and fraudulent application. Any declarations he made in the application must be fraudulent and his continued pursuit is contrary to trademark law, common law and otherwise.

	The applicant is not the first to use this mark, is not the owner, has been notified of our use of such mark and without response moves forward. Please deny this application. We have samples of both printed materials and clothing done with our GADA - Go Anywhere Do Anything mark.
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85052058	Application Date	06/01/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GADA GO ANYWHERE DO ANYTHING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2000/02/18 First Use In Commerce: 2000/02/18 Print Magazines, Printed Table Books, Online Magazine, City Maps, Posters, Advertising Publications, In-Room Hotel Publications, Directories Class 025. First use: First Use: 2000/02/18 First Use In Commerce: 2003/04/22 Dress Shirts, T-shirts, Tank Tops, Athletic Shirts, Cargo Pants, Jeans, Slacks, Shorts, Scarves, Ski Caps, Knitted Hats, Baseball Caps, Top Hats, Sport Hats, Sneakers, Tennis Shoes, Flip Flops, Sport Shoes, Swimsuits, Wetsuits		

Related Proceedings	We have a pending trademark application, Serial # 85052058, however our common law trademark in the opposed class as well as others has been in use for in excess of 7 years.
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Attachments	85052058#TMSN.jpeg (1 page)(bytes) Cease&Desist Christopher Johnson.pdf (1 page)(172572 bytes) GADA Evidence of USE 2.pdf (1 page)(955810 bytes) GADA EVIDENCE OF USE.pdf (1 page)(937604 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/tj sabo/
Name	Mr. Theodore J Sabo
Date	03/10/2011

CEASE & DESIST

June 9, 2010

Mr. Christopher Johnson

5199 Nebraska Rd

Engelhard, NC 27824

Phone Number: (252) 623-8230

Mr. Johnson:

Please be advised that your trademark application, Serial #77966484 for “GADA – Go Anywhere Do Anything” was brought to our attention as an infringement of our legal rights. We ask that you abort your request for our mark that we have had “in use” in many digital forms, publishing and clothing since February 2000. We actively use this copyrighted and trademark-pending expression in the Class you are seeking.

We have notified the USPTO of this application of yours that infringes our rights and give you notice of our intent to vigorously protect and litigate if necessary. All trademark applications should include a common law search and any search of yours online would show our expression GADA – Go Anywhere Do Anything first connected to myself and our organization for over 9 years.

We ask that you reconsider your application by aborting the trademark process of our “in use” mark, thereby not forcing all of us to incur the expense of protecting and litigating what you are now on notice of being rightfully ours.

Thank you for your time and attention to this matter. Should you have any questions feel free to contact us at your earliest convenience at 305-576-1678.

T.J. Sabo

Principal – GADA

cc: USPTO Trademark Examiner – Re: Serial #77966484

180 N.E. 39th Street, Suite 207, Miami, FL 33137 • 305.576.1678



